

CHAPTER NO. 280

SENATE BILL NO. 1649

By Haun, Burks, Williams

Substituted for: House Bill No. 1485

By Givens, Head, Ronnie Davis, Roach, Whitson, Winningham

AN ACT To amend Tennessee Code Annotated, Title 67, Chapter 4, relative to tobacco products.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Title 67, Chapter 4, Part 10, of Tennessee Code Annotated, relating to tobacco taxes, is amended by adding the following as a new, appropriately designated section:

Section ___. (a) For the purposes of this section, the term "package" means a pack, carton, or container of any kind in which cigarettes are offered for sale, sold, or otherwise distributed, or intended for distribution, to consumers.

(b) No stamp may be affixed to, or made upon, any package of cigarettes if:

(1) the package differs in any respect with the requirements of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. Sec. 1331 and following), for the placement of labels, warnings, or any other information upon a package of cigarettes that is to be sold within the United States;

(2) the package is labeled "For Export Only", "U.S. Tax Exempt", "For Use Outside U.S.", or similar wording indicating that the manufacturer did not intend that the product be sold in the United States;

(3) the package, or a package containing individually stamped packages, has been altered by adding or deleting the wording, labels, or warnings described in (1) or (2) of this subsection;

(4) the package has been imported into the United States after January 1, 2000, in violation of 26 U.S.C. Sec. 5754; or

(5) the package in any way violates federal trademark or copyright laws.

(c) Any person who sells or possesses for the purpose of sale a cigarette package to which is affixed a tax stamp in violation of subsection (b) of this section shall be guilty of a Class E felony.

(d) Notwithstanding any other provision of law, the commissioner shall revoke any license issued under this part to any

person who sells or holds for sale a cigarette package to which is affixed a tax stamp in violation of subsection (b) of this section.

(e) Notwithstanding any other provision of law, the commissioner shall seize and destroy or sell to the manufacturer (only for export) packages that do not comply with subsection (b) of this section.

(f) A violation of subsection (b) of this section is an unfair and deceptive act or practice under the Consumer Protection Act, §47-18-104.

SECTION 2. If any provision of this act or its application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 20, 1999


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 26th day of May 1999


DON SUNDQUIST, GOVERNOR